

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Steven L. Hewitt, <i>also known as</i> , Steven)	Civil Action No.: 0:15-721-MGL
Lee Hewitt, Sr., <i>also known as</i> , Steven)	
Lee Hewitt, <i>also known as</i> , Steven)	
Hewitt,)	
)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	
)	
Cpl. Bouch,)	
Defendant.)	

On February 20, 2015, Plaintiff Steven L. Hewitt, (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this civil action pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for review pursuant to the procedural provisions of 28 U.S.C. § 1915 and § 1915A . On May 4, 2015, the Magistrate Judge prepared a Report and Recommendation, (“the Report”), recommending that the Complaint be summarily dismissed *without prejudice* and without issuance and service of process on both grounds of failure to exhaust and failure to state actionable constitutional claims. (ECF No. 23). Objections to the Report were due by May 21, 2015. Plaintiff did not file any objections to the Report. The matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is

made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 23), and finding no clear error in the Report, the Court adopts and incorporates it by reference. Accordingly, Plaintiff’s Complaint is hereby **DISMISSED** *without prejudice* and without issuance and service of process. Additionally, Plaintiff’s Motion for Preliminary Injunction, (ECF No. 3), is **DENIED** as unsupported in both law and fact.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

Columbia, South Carolina
May 27, 2015